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AO 106A (08/18) Application for a Warrant by Telephone or Other Reliable Electronic Means

Apr 12, 2021

s/ Daryl Olszewski

Deputy Clerk, U.S. District Court
Eastern District of Wisconsin**UNITED STATES DISTRICT COURT**

for the

Eastern District of Wisconsin

In the Matter of the Search of _____
(Briefly describe the property to be searched
or identify the person by name and address) _____)
DNA COLLECTION THROUGH ORAL SWABS FROM _____) Case No. 21 MJ 86
MAURICE WALTON (X/X/2000). _____)

APPLICATION FOR A WARRANT BY TELEPHONE OR OTHER RELIABLE ELECTRONIC MEANS

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Eastern District of Wisconsin, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- evidence of a crime;
 contraband, fruits of crime, or other items illegally possessed;
 property designed for use, intended for use, or used in committing a crime;
 a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. §§ 1951(a) and 2	Hobbs Act Robbery

The application is based on these facts:

See attached affidavit.

- Continued on the attached sheet.
 Delayed notice of _____ days (give exact ending date if more than 30 days: _____) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.



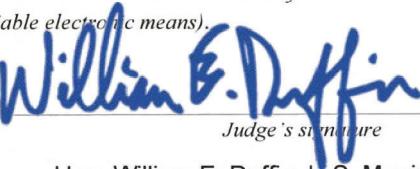
Applicant's signature

FBI Special Agent Daniel Gartland

Printed name and title

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by
telephone _____ (specify reliable electronic means).

Date: April 12, 2021



Judge's signature

Hon. William E. Duffin, U.S. Magistrate Judge

Printed name and title

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF WISCONSIN**

**AFFIDAVIT IN SUPPORT OF
AN APPLICATION FOR A SEARCH WARRANT**

I, Daniel Gartland, being first duly sworn, hereby depose and state as follows:

INTRODUCTION AND AGENT BACKGROUND

1. I make this affidavit in support of an application under Rule 41 of the Federal Rules of Criminal Procedure for a search warrant to collect an oral swab of deoxyribonucleic acid DNA from saliva containing epithelial cells from Maurice Walton (DOB: XX/XX/2000).
2. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been since May 2018. Since October 2018, I have been assigned to FBI's Milwaukee Area Violent Crimes Task Force, a multi-jurisdictional law enforcement entity charged with investigating violations of federal law, including bank robberies, commercial robberies, armed motor vehicle robberies, and other violent crime matters, defined under Title 18 of the United States Code. I have been trained in a variety of investigative and legal matters, including the topics of Fourth Amendment searches, the drafting of search warrant affidavits, and probable cause. I have participated in criminal investigations, surveillance, search warrants, cellular telephone extractions, interviews, and debriefs of arrested subjects. As a result of this training and investigative experience, I have learned how and why violent actors typically conduct various aspects of their criminal activities.
3. Based on the investigation to date, I believe there is probable cause that Maurice Walton (DOB XX/XX/2000) and Bobby Smith (DOB XX/XX/2000) conspired to commit and committed the armed robbery of Z.D. via Facebook Marketplace in Milwaukee, WI, on or about June 3, 2020, in violation of Title 18, United States Code, Sections 1951(a) and 2 (Hobbs Act

robbery). Facebook Marketplace was a business engaged in interstate commerce at the time of the robbery.

4. This affidavit is based upon my personal knowledge, training, and experience, and on information reported to me by other federal, state, and local law enforcement officers during the course of their official duties, all of whom I believe to be truthful and reliable. This affidavit is also based upon police reports, official records, witness statements, business records, search warrants, recorded statements, law enforcement surveillance, surveillance video, text messages, social media, telephone records, and public records which I consider to be reliable as set forth herein.

5. This affidavit is submitted for the limited purpose of obtaining a search warrant, therefore, I have not included each and every fact known to me concerning this investigation. I have attempted to set forth only the facts that I believe are pertinent to establishing the necessary foundation for the search warrant.

PROBABLE CAUSE

6. On June 3, 2020, two male subjects committed an armed robbery of Z.D. in the area of 3434 West Poe Street, Milwaukee, Wisconsin. Using the online Facebook Marketplace forum, Z.D arranged to pay \$1,000 in cash for a green 2000 Honda Civic listed on Facebook Marketplace by the user of Facebook profile Spencer Savage. Z.D. further discussed the transaction with the subject at telephone number 414-999-6479 (hereinafter “Telephone 6479”). Z.D. and the subject arranged to complete the transaction on June 3, 2020 at 11:45 a.m. at the Petro Mart gas station, 3425 West Oklahoma Avenue, Milwaukee, Wisconsin.

7. Z.D. arrived for the transaction on foot. Z.D. made multiple calls to Telephone 6479, but left on foot after the subject did not arrive with the vehicle Z.D. intended to purchase.

Approximately one minute after Z.D. left the Petro Mart parking lot, a silver Saturn Vue (hereinafter, the “Vue”) was captured on surveillance video stopping on South 35th Street, across from the gas station. The Vue remained stationary, then drove south in the same direction that Z.D. walked. As Z.D. reached 3434 West Poe Street, Milwaukee, Wisconsin, a gray or silver Vue pulled up next to him. The rear driver’s door opened. A black male unidentified subject (UNSUB #1) seated in the back seat pointed a dark rifle at Z.D. and stated, “Give me your money bitch ass nigga!” Another unidentified subject (UNSUB #2) was driving the car and was not observed by Z.D. Fearing for his safety, Z.D. threw the \$1,000 intended for the purchase of the vehicle on the ground and fled. The subject vehicle fled with the money.

8. Z.D. described UNSUB #1 as a black male, 20 to 30 years of age, 5’8” to 6’ in height, with a very thin build and a light to medium complexion. Z.D. noted UNSUB #1 had tattoos on his left arm and shoulder area. UNSUB #1 wore dark colored pants and no shirt. Z.D. was unable to give a description of UNSUB #2, due to heavily tinted windows on the Vue.

9. On June 5, 2020, a search warrant was served on T-Mobile for subscriber information and historical cell site data associated with telephone number Telephone 6479. Records provided by T-Mobile in response to the search warrant indicated Maurice Walton of 2525 West North Avenue, Milwaukee, Wisconsin was the subscriber to the number. A Google search of the subscriber address reveals that it is a vacant lot. The subscriber information further indicated a 32G iPhone 7 bearing International Mobile Subscriber Identity (IMSI) 310260065664308 was associated with telephone number Telephone 6479. The records reflected Telephone 6479 used an International Mobile Equipment Identity (IMEI) 354912096285290 on June 3, 2020.

10. An analysis of the historical cell site information associated with telephone number Telephone 6479, reflected it was using towers that served an area including 4740 North 30th Street, Milwaukee, Wisconsin, at approximately 9:45 a.m. on June 3, 2020. From approximately 11:02 a.m. to 11:36 a.m., the phone connected to towers consistent with travel from the northside of Milwaukee to the southside of Milwaukee. At approximately 11:36 a.m. and 11:41 a.m., the phone connected to towers serving 3425 West Oklahoma Avenue, Milwaukee, Wisconsin and 3434 West Poe Street, Milwaukee, Wisconsin. The robbery occurred at approximately 11:48 a.m. From 11:53 a.m. to 12:23 p.m., the phone connected to towers consistent with travel from the southside of Milwaukee to the northside of Milwaukee. At 12:23 p.m., the phone was again using towers that served an area including 4740 North 30th Street. During the period from May 3, 2020 through June 5, 2020, Telephone 6479 connected with towers serving 4740 North 30th Street approximately 754 times out of approximately 1,680 calls with tower data.

11. A further analysis of toll records for Telephone 6479 indicated it was in contact with the victim's telephone number multiple times on the date of the robbery. At approximately 11:18 a.m., 11:30 a.m., and 11:36 a.m., Telephone 6479 and the victim exchanged calls, while Telephone 6479 was traveling from the northside of Milwaukee to the southside of Milwaukee. From 11:41 a.m. to 11:47 a.m., Telephone 6479 had multiple unconnected incoming calls from the victim's phone, while Telephone 6479 was connecting to towers in the area of the robbery. The robbery occurred at approximately 11:48 a.m. At 11:53 a.m., the victim's phone made an unconnected call to Telephone 6479, while Telephone 6479 was connecting to towers consistent with travel from the southside of Milwaukee to the northside of Milwaukee. The victim's phone had placed two unconnected calls to Telephone 6479 on May 29, 2020.

12. A search of a proprietary database associated Maurice Walton, DOB: XX/XX/2000, with Telephone 6479. Investigators reviewed images from an April 5, 2020 traffic stop of Walton while he was driving a 1999 green Honda Civic. The images of Walton from the traffic stop were consistent with the description of UNSUB #1. Investigators conducted an open source search of Facebook and identified a user account under the name “Reese Cut” that appeared to be associated with Maurice Walton. The profile picture for the Facebook account was an image of Walton holding a black AR-15 style rifle, consistent with Z.D.’s description of the gun used in the robbery.



13. On June 5, 2020, a search warrant was served on Facebook for records associated with the Facebook account Spencer Savage. Account information indicated the user’s birthday was the same as Maurice Walton’s. A review of the records reflected that on April 14, 2020, Spencer

Savage posted an advertisement on Facebook Marketplace to sell a 2000 Honda Civic. The text of the ad stated, “2000 Honda Civic \$1700 – Milwaukee, WI 2000 Honda Civic – Sedan – Driven 19,600 miles no sounds or light nothing wrong with it at all serious buyers only 414-999-6479 not a stick shift” and included multiple pictures of a green Honda civic. Z.D. replied to the advertisement on May 29, 2020 asking, “Is this still available?” At approximately 7:45 a.m. on June 3, 2020, Spencer Savage responded, “Yeah.” The two Facebook users discussed the condition of the car, arranged a price, and decided upon a time and location to complete a sale of the car. The conversation continued until approximately 11:45 p.m.

14. Further review of the Facebook records for Spencer Savage revealed multiple connections between the account and Maurice Walton. The records included a screen shot posted by Spencer Savage of the Instagram account “paid_forever_”. The profile photo and pictures from the account included in the screen shot appeared to be of Maurice Walton. The records also contained multiple videos of Walton handling firearms and large amounts of U.S. currency. In one such video, Walton was seated in the rear driver side seat of a vehicle and pointed a long gun at the camera held by the driver.



The videos also included Walton handling a long gun and handguns in what appeared to be the same bedroom on multiple occasions.

15. On multiple days in August and September 2020, agents from the Federal Bureau of Investigation conducted surveillance of 4740 North 30th Street, Milwaukee, Wisconsin. Walton was observed by agents driving a 2008 Maroon Nissan Altima, bearing Wisconsin registration plate ADA-1451. The same vehicle was observed parked in the rear of the residence. Walton was also observed exiting the residence. Walton was also observed as a passenger and driver of a 2018 grey Dodge Journey, bearing Wisconsin registration plate AEM-6419, registered to Walton's mother Denice Phoenix and Thomas Lee Warfield of 4740 North 30th Street.

16. On March 5, 2021, Maurice Walton was arrested by the Milwaukee Police Department for the June 3, 2020 robbery of Z.D. via Facebook Marketplace. A Mirandized interview was conducted with Walton. During the interview, Walton identified his home address as 4740 North 30th Street, Milwaukee, Wisconsin. During the interview, Walton admitted to being

the user of the Facebook account "Reese Cut." Walton denied affiliation with the Facebook account "Spencer Savage." After initially denying ownership of Telephone 6479, Walton stated that it used to be his number, but he lost that phone. Walton also denied posting a Honda Civic for sale on Facebook Marketplace.

17. On March 5, 2021, Investigators conducted a photo array with Z.D. Maurice Walton was identified as UNSUB #1 by Z.D.

18. On March 25, 2021, a search warrant was executed at 4740 North 30th Street, Milwaukee, WI and the 2008 maroon Nissan Altima, bearing Wisconsin registration plate ADA-1451. During the search eight cartridges, believed to be .22 caliber, were seized from the Nissan Altima and are currently in the custody of the Federal Bureau of Investigation as item of evidence 1B5. A Crown Royal bag containing ammunition, believed to be 9mm and .40 caliber, were also seized from the basement of the residence and is currently in the custody of the Federal Bureau of Investigation as item of evidence 1B5. The seized items will be sent to the FBI Forensic Laboratory in Quantico, Virginia, for DNA testing.

19. Based on my training and experience, I know that the FBI Laboratory will process, analyze, and scientifically test these items to obtain possible DNA profile or profiles, which can then be compared known DNA profiles. Therefore, the FBI Laboratory requests that a known buccal DNA swab of the suspect or suspects be submitted for comparison with any DNA recovered from the evidence.

20. Based on my training and experience, I know that a sample of saliva containing epithelial cells may be found in and on a person. Swabbing the inside of a subject's mouth or cheek with a sterile cotton swab and preserving the saliva and cells obtained as a result is a reliable method for collecting a DNA sample, which is relatively painless. This process is called

taking a “buccal swab” or “buccal smear.” A case agent trained in how to collect a DNA sample and prevent contamination of the resulting evidence will conduct these searches using sterile swabbing kits for use in collection and preservation.

21. I have reason to believe that saliva samples containing epithelial cells taken from Walton, together with test results comparing the DNA profiles extracted from such samples with any and all human DNA profiles extracted from items of evidence recovered in paragraph 18 will constitute material evidence regarding violation of Title 18, United States Code, Sections 1951(a) and 2 (Hobbs Act robbery), by Maurice Walton.

CONCLUSION

22. Based on the information above, I submit that there is probable cause to believe that by taking oral swabs of the mouth of Maurice Walton (DOB X/X/2000), there may now be found DNA that is evidence of a violation of Title 18, United States Code, Sections 1951(a) (Hobbs Act robbery). Therefore, I request that this Court issue a search warrant to obtain samples of Maurice Walton’s (DOB: XX/XX/2000) DNA from saliva containing epithelial cells for subsequent testing and examination.

ATTACHMENT A

Person to be searched

The person to be searched is Maurice Walton (X/X/2000).

ATTACHMENT B

Property to be seized

The property to be seized is saliva containing epithelial cells by buccal swab.